S.B. Civil Writ Petition NO.1890/2005
Ishwar Chand Menaria
vs
State of Rajasthan & Ors.

DATE OF ORDER : - 20.4.2005.

HON'BLE MR. PRAKASH TATIA,J.

Mr.Pushpendra Singh, for the petitioner.

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Heard learned counsel for the petitioner.

It appears from the facts of the case that the fair-price shop of the petitioner was inspected by the authorities on 16th July, 2003 and before that a letter dated 15th July, 2003 issued by the authorities, was served upon the petitioner's brother Narendra Kumar. It will be worthwhile to mention here that petitioner's brother Narendra Kumar also had a fair-price shop licence and it appears from the facts of SBCW No.1891/05, 1892/05 and 1893/05 that fair-price shop licences were issued to Smt. Bhawana Devi, Narendra Kumar, Ishwar Chand Manaria and Mahesh Kumar Menaria, who are admittedly related to each other. It appears from the facts as mentioned in the order dated 24.9.2005 (Annx.12) that several notices were given to the petitioner and he did not appear, therefore, the learned District Collector proceed ex-parte and cancelled the Fair-price shop licence of the petitioner. There are serious allegations against the petitioner in relation to controlled

commodities, which were for distribution to the poor persons.

According to learned counsel for the petitioner, the petitioner submitted application for providing copies of the relevant documents, but that were not supplied to the petitioner and thereby the authorities have violated the mandatory provision of law and because of that reason only, the petitioner could not take any appropriate defence.

I considered the submissions of learned counsel for the petitioner. The facts reveal that there are serious allegations against the petitioner and the petitioner was served with several notices, but he did not appear before the District Collector, who passed the order of cancellation of licence on 2nd Sept, 2003. The petitioner preferred the appeal against the said order dated 2nd Sept., 2003 wherein again all facts were considered by the appellate authorities in detail. Looking to finding of facts recorded by the authorities, which are based on evidence and which substantially are not in dispute, this Court is not inclined to reexamine the evidence to find out the correctness of the finding of facts.

In view of the above, I do not find that reasonable opportunity of pleading was not given to the petitioner before passing the impugned order.

Hence, the writ petition of the petitioner is dismissed.

(Prakash Tatia), J.

c.p.goyal/-